

महाराष्ट्र शासन

क्र.संकिर्ण-२००९/निवडणूक/नवि-२०
नगर विकास विभाग,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक : ९ मार्च, २००९.

प्रति,

- १) आयुक्त,
सर्व महानगरपालिका.
- २) संचालक, नगरपालिका प्रशासन संचालनालय,
वरळी, मुंबई - २५,
- ३) मुख्याधिकारी,
सर्व नगरपरिषदा / नगरपंचायती.

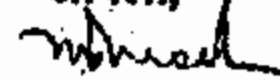
विषय : लोकसभा २००९ च्या सार्वत्रिक निवडणूका
भारत निर्वाचन आयोगाच्या निवडणूकीबाबतची
आचार संहिता - काय करावे व काय करू नये.

महोदय,

भारत निवडणूक आयोगाने लोकसभेच्या २००९ च्या सार्वत्रिक निवडणूकीचा कार्यक्रम घोषित केला असून त्या निमित्ताने आचार संहिता दिनांक २ मार्च, २००९ पासून अस्तित्वात आली आहे.

०२. आचार संहितेच्या काळामध्ये लोक प्रतिनिधी आणि शासकीय अधिकाऱ्यांचे वर्तन कसे असावे याबाबत सर्वांना उपयुक्त ठरणारे मार्गदर्शन आचार संहिता आणि याबाबत उपस्थित होणाऱ्या सर्वसाधारण समस्यांचे निराकरण करणारी पुस्तिका भारत निवडणूक आयोगाने प्रसिध्द केली असून या पत्रासोबत त्याच्या प्रती माहितीसाठी पुढील योग्य त्या कार्यवाहीसाठी जोडल्या आहेत. या पुस्तिकेतील सुचनांचे कटाक्षाने पालन करावे असे सूचित करण्यात येत आहे.

आपला,



(म.दि. आडिवरेकर)

उप सचिव, महाराष्ट्र शासन

प्रत, माहितीसाठी -

प्रधान सचिव, नगर विकास विभाग यांचे स्टाफ ऑफिसर,
सचिव, नगर विकास यांचे स्टाफ ऑफिसर,
विभागातील सर्व अधिकारी.

**MODEL CODE OF CONDUCT
FOR THE GUIDANCE OF POLITICAL PARTIES AND
CANDIDATES**

FREQUENTLY ASKED QUESTIONS (FAQs)



भारत निर्वाचन आयोग
Election Commission of India

2009

Nirvachan Sadan, Ashoka Road, New Delhi-110001

FREQUENTLY ASKED QUESTIONS (FAQs)

MODEL CODE OF CONDUCT

- Q. 1. What is the Model Code of Conduct?**
Ans. The Model Code of Conduct for guidance of political parties and candidates is a set of norms which has been evolved with the consensus of political parties who have consented to abide by the principles embodied in the code and also binds them to respect and observe it in its letter and spirit.
- Q. 2. What is the role of Election Commission in the matter?**
Ans. The Election Commission ensures its observance by political party(ies) in power, including ruling parties at the Centre and in the States and contesting candidates in the discharge of its constitutional duties for conducting the free, fair and peaceful elections to the Parliament and the State Legislatures under Article 324 of the Constitution of India. It is also ensured that official machinery for the electoral purposes is not misused. Further, it is also ensured that electoral offences, malpractices and corrupt practices such as impersonation, bribing and inducement of voters, threat and intimidation to the voters are prevented by all means. In case of violation, appropriate measures are taken.
- Q. 3. From which date the Model Code of Conduct is enforced and operational upto which date?**
Ans. The Model Code of Conduct is enforced from the date of announcement of election schedule by the Election Commission and is operational till the process of elections are completed.
- Q. 4. What is applicability of code during general elections and bye-elections?**
Ans. a. During general elections to House of People (Lok Sabha), the code is applicable throughout the country.
b. During general elections to the Legislative Assembly (Vidhan Sabha), the code is applicable in the entire State.
c. During bye-elections, the code is applicable in the entire district or districts in which the constituency falls.
- Q. 5. What are the salient features of the Model Code of Conduct?**
Ans. The salient features of the Model Code of Conduct lay down how political parties, contesting candidates and party(s) in power should conduct themselves during the process of elections i.e. on their general conduct during electioneering, holding meetings and processions, poll day activities and functioning of the party in power etc.

ON OFFICIAL MACHINERY

Q. 6. Whether a Minister can combine his official visit with electioneering work?

Ans. No

The Ministers shall not combine their official visit with electioneering work and shall not also make use of official machinery or personnel during the electioneering work.

Q. 7. Whether Govt. transport can be used for electioneering work?

Ans. No

No transport including official air-crafts, vehicles etc. shall be used for furtherance of the interest of any party or a candidate.

Q. 8. Whether Govt. can make transfers and postings of officials who are related to election work?

Ans. There shall be a total ban on the transfer and posting of all officers/officials directly or indirectly connected with the conduct of the election. If any transfer or posting of an officer is considered necessary, prior approval of the Commission shall be obtained.

Q. 9. Suppose an officer related to election work has been transferred by the Govt. before enforcement of model code of conduct and has not taken over charge at new place. Can such officer take over charge of office at new place after announcement of the code?

Ans. No

Status-quo-ante shall be maintained.

Q. 10. Whether a Minister of Union or State can summon any election related officer of the constituency or the State for any official discussion during the period of elections?

Ans. No Minister, whether of Union or State, can summon any election related officer of the constituency or the State for any official discussions anywhere.

If Union Minister is traveling out of Delhi on purely official business, which cannot be avoided in public interest, then a letter certifying to this effect should be sent from the concerned Secretary of the Ministry/Department to the Chief Secretary of the concerned State, with a copy to the Election Commission.

Q. 11. Can an official meet the minister on his private visit to the Constituency where elections are being held?

Ans. No

Any official who meets the Minister on his private visit to the constituency shall be guilty of misconduct under the relevant service rules; and if he happens to be an official mentioned in Section 129 (1) of the Representation of People Act, 1951, he shall also be additionally considered to have violated the statutory provisions of that Section and liable to penal action provided thereunder.

Q. 12. Whether Ministers are entitled for official vehicle during the election?

Ans. Ministers are entitled to use their official vehicles only for commuting from their official residence to their office for official work provided that such commuting is not combined with any electioneering or any political activity.

Q. 13. Whether Ministers or any other political functionaries can use pilot car with beacon lights affixed with siren?

Ans. Minister or any other political functionary is not allowed during election period, to use pilot car or car with beacon lights of any colour or car affixed with sirens of any kind whether on private or official visit, even if the State administration has granted him a security cover requiring presence of armed guards to accompany him on such visit. This prohibition is applicable whether the vehicle is government owned or private owned.

Q. 14. Suppose there is a visit of President / Vice President at any place in the State. Is a Minister allowed to use VIP Car with other protocol?

Ans. Yes

The Minister may leave with VIP car and other protocol from his headquarters to the place of visit of President/ Vice President and return to his headquarters without attending any other function/meeting with any other political functionary. This restriction shall be applicable from the time he leaves the Headquarters and till he reaches back the headquarters.

Q. 15. Suppose a vehicle has been provided to Minister by the State and the Minister is given an allowance for maintenance of such vehicle. Can it be used by the Minister for election purposes?

Ans. Where a vehicle is provided by the State or the Minister is given an allowance for maintenance of the vehicle, he cannot use such vehicle for election.

- Q. 16. Whether facility of official vehicles can be withdrawn from those ministers who violate the provisions of Model Code of conduct?**
Ans. Yes
 The Chief Electoral Officer shall also recover the cost of propulsion from the ministers who may misuse their official position.
- Q. 17. Whether there is any restriction on visits of members of National Commission for Schedule Castes or any other similar National/State Commissions?**
Ans. It is advised that all official visits of Members of such Commissions shall be deferred, unless any such visit becomes unavoidable in an emergent situation till the completion of election exercise to avoid any misunderstanding that may arise in any quarters.
- Q. 18. Whether members of Finance Commission of Govt. of India can visit State(s)?**
Ans. Yes
 Provided neither the press briefings nor press notes would be issued, highlighting the achievements of the State or otherwise.
- Q. 19. Whether Chief Minister and other Ministers can attend New Year Day function (of the State), which is a State function?**
Ans. No
 Only Chief Secretary and other officials may participate and no political person including Chief Minister or Minister may participate in such function where Govt. funds are used.
- Q. 20. Whether a Chief Minister/Minister/Speaker can attend a "State Day" function of a State?**
Ans. There is no objection provided that he does not make any political speech on the occasion and the function is to be conducted only by Govt. officials. No advertisement depicting the photograph of Chief Minister/Minister/Speaker shall be released.
- Q. 21. Whether Governor/Chief Minister/Ministers can participate and address the Convocation function of University or Institute?**
Ans. Governor may participate and address the Convocation. Chief Minister or Ministers may be advised not to participate and address the Convocation.
- Q. 22. Whether "Ifar Party" or any other similar party can be hosted at the residence of political functionaries, the expenses of which will be borne by State exchequer?**
Ans. No.
 However any individual is free by to host any such party in his personal capacity and at his personal expense.

Q. 23. Is there any restriction on address of Governor in the Assembly Session (budget)?

Ans. No

ON WELFARE SCHEMES, GOVERNMENT WORKS ETC.

Q. 24. Is there any restriction on issue of advertisement at the cost of public exchequer regarding achievements with a view to furthering the prospects of the party in power?

Ans. Yes

The advertisement regarding achievements of the party at the cost of public exchequer in the print and electronic media and the misuse of official mass media during the period of election is prohibited.

Q. 25. Whether hoardings/advertisements etc. depicting the achievements of the party(s) in power at Centre/State Governments at the cost of public exchequer can be continued?

Ans. No

All such hoardings, advertisements etc. on display shall be removed forthwith by the concerned authorities. Further, no advertisements should be issued in the newspapers and other media including electronic media at the cost of public exchequer.

Q. 26. Whether a Minister or any other authority can sanction grants/ payments out of discretionary funds?

Ans. No

Ministers and other authorities shall not sanction grants/payments out of discretionary funds from the time elections are announced.

Q. 27. Whether money can be withdrawn from treasury against the sanctioned amount from the discretionary funds of Ministers to prepare draft in the names of beneficiaries which may be disbursed after process of election is completed?

Ans. The funds may either be kept in "Personal Ledger Account" of the concerned Department or the release may be deferred till the completion of elections.

Q. 28. Suppose work order has been issued in respect of a scheme or a programme. Can it be started after announcement of election programme?

Ans. Work shall not be started in respect of which work order has been issued before announcement of election but the work has actually not started in the field. If a work has actually started in the field that can be continued.

Q. 29. Whether fresh release of funds under MPs/MLAs/MLCs Local Area Development Fund of any scheme can be made?

Ans. No

Fresh release of funds under MPs/MLAs/MLCs Local Area Development Fund of any scheme shall not be made in any area where election is in progress, till the completion of the election process.

Q. 30. There are various rural development programmes/ schemes of Central government like Indira Awas Yojana, Sampoorna Grameen Rozgar Yojana, Swarnajayanti Gram Swarozgar Yojana, National Food for Work programme, National Rural Employment Guarantee Act. Are there any guidelines for implementation of these schemes/programmes?

Ans. Yes

Following guidelines shall be followed in respect of each scheme/programme as enumerated below:-

a) Indira Awas Yojana (IAY)

Beneficiaries, who have been sanctioned housing scheme under IAY and have started work, will be assisted as per norms. No new constructions will be taken up or fresh beneficiaries sanctioned assistance till the elections are over.

(b) Sampoorna Grameen Rozgar Yojana (SGRY)

Continuing works in progress may be continued and funds earmarked for such works can be released. In case of any Panchayat where all ongoing works have been completed and there is a requirement for taking up new wage employment works and where funds released directly to the Panchayats from the Ministry of Rural Development are available, new works can be started from approved annual action plan for the current year with the prior consent of the District Election Officer. From other funds, no new works shall be started.

c) Swarnajayanti Gram Swarozgar Yojana (SGSY)

Only those help groups which have received part of their subsidy/grant will be provided the balance installments. No fresh individual beneficiaries or SHGs will be given financial assistance till the elections are over.

(d) National Food for Work Programme(NFWP)

There is no objection for continuance of old works and sanction of new works in those districts where no elections have been announced. In those districts where elections have been announced and are in progress, only those works may be undertaken that have already started physically on ground, provided outstanding advance given for implementation of such works at a given time shall not exceed the amount equivalent to work for 45 days.

e) National Employment Rural Guarantee Act (NERGA)

The Ministry of Rural Development shall not increase the number of districts in which it is being implemented after announcement of elections. The job card holders will be provided employment in the ongoing work, if they demand work, after announcement of elections. In case no employment can be provided in ongoing works, the competent authority may start new work(s) from the shelf of projects that has been approved and inform the fact to concerned District Election Officer (DEO). No new work shall be started by the competent authority till such time employment can be given in ongoing works. In case no shelf of project is available or all works available on shelf have been exhausted, then the concerned competent authority shall make a reference to the Commission for approval through the concerned DEO. The competent authority shall also furnish a certificate to DEO to the effect that the new work has been sanctioned as no employment can be given to the job card holder in the ongoing work.

Q. 31. Whether a Minister or any other authority can announce any financial grants in any form or promises thereof or lay foundation stones etc. of projects or schemes of any kinds etc.?

Ans. No
Ministers and other authorities shall not announce any financial grants in any form or promises thereof; or (except civil servants) lay foundation stones etc. of projects or schemes of any kind; or make any promise of construction of roads, provision of drinking water facilities etc. or make any ad-hoc appointments in Government, Public Undertakings etc.

In such case, senior Govt. Officer may lay foundation stone etc. without involving any political functionary.

Q. 32. A budget provision has been made for a particular scheme or the scheme has been sanctioned earlier. Can such scheme be announced or inaugurated?

Ans. No
Inauguration/announcement of such scheme is prohibited during election period.

Q. 33. Whether ongoing beneficiary scheme can be continued?

Ans. No
The processing of beneficiary oriented scheme, even if ongoing, shall be suspended during election period. Further, no fresh release of funds on welfare schemes and works should be made.

Q. **34.** Whether the Government will consider the possibility of providing relief to the people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. Govt. may do so after obtaining prior approval of the Commission and all ostentatious functions shall be strictly avoided and no impression shall be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office with any ulterior motive.

Q. **35.** Is it possible to provide relief to the people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. Govt. may do so after obtaining prior approval of the Commission and all ostentatious functions shall be strictly avoided and no impression shall be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office with any ulterior motive.

Ans. The Government will consider the possibility of providing relief to the people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. Govt. may do so after obtaining prior approval of the Commission and all ostentatious functions shall be strictly avoided and no impression shall be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office with any ulterior motive.

Q. **36.** How will the Government meet the emergency situation or unforeseen calamities, when there are restrictions for announcing welfare measures?

Ans. For tackling emergencies or unforeseen calamities like providing relief to people suffering from drought, floods, pestilences, other natural calamities or welfare measures for the aged, infirm etc. Govt. may do so after obtaining prior approval of the Commission and all ostentatious functions shall be strictly avoided and no impression shall be given or allowed to be created that such welfare measures or relief and rehabilitation works are being undertaken by the Government in office with any ulterior motive.

Q. **37.** Whether financial institutions funded, partially or wholly by the Governments can write off loans advanced to any individual, company, firm, etc.?

Ans. No
The financial institutions funded, partially or wholly by the Governments shall not take recourse to writing off loans advanced to any individual, company, firm, etc. Also, financial limits of such institutions, while granting or extending loans, should not be enhanced by issuing of loans indiscriminately to beneficiaries.

Q. **38.** Whether tenders, auctions etc. relating to matters such as liquor vends, Tendu leaves and other such cases can be processed?

Ans. No
Processing of such cases should be deferred till the completion of election process in the concerned areas and the Govt. may make interim arrangements where unavoidably necessary.

- Q. 39.** Suppose contract for Toll Tax is expiring at the end of financial year (31st March of the year), for which auction date has already been proposed/advertised. Whether auction can be held for awarding the contract?
- Ans.** Yes
 Provided the contract is supervised by the Commissioner/Divisional Commissioner or some other senior District Officer directly answerable to the Commissioner/Divisional Commissioner and there is no change in the earlier policy or auction procedure.
- Q. 40.** Whether meeting of Municipal Corporation, Nagar Panchayat, Town Area Committee, etc. can be convened to review the revenue collection and preparing draft annual budget etc?
- Ans.** Yes
 Provided that at such meetings only the matters of routine nature relating to day-to-day administration may be taken up and not the matters relating to its policies and programmes
- Q. 41.** Whether function regarding "Stop TB" programme can be held which may be inaugurated by a political functionary and whether an advertisement on "World TB Day" can be released and published?
- Ans.** There is no objection provided –
- i. during the inauguration ceremony, no political speeches are made,
 - ii. no advertisement with photographs of PM and / or any Minister is issued, and
 - iii. advertisements and speeches are confined to the subject of combating and eradication of TB only.
- Q. 42.** Whether political functionaries can participate in the celebration of "Sadbhavana Diwas" which is celebrated through out the country?
- Ans.** The Central Ministers / Chief Minister / Ministers in the States and other political functionaries can participate in the celebration of "Sadbhavana Diwas" subject to condition that the "theme" of their speeches should be confined only to the promotion of harmony among the people and no political speech should be made. Messages, if any, issued in the name of Minister should be confined to the theme of national integration only and should carry no photograph of the concerned Minister.

Q. 43. Whether State-level functions can be held for observance of Martyrdom of Martyrs which may be presided/attended to by Chief Minister / Minister?

Ans. Yes

Provided that the speeches of the Chief Minister and other Ministers should restrict to the Martyrdom of the Martyrs and praising them. No political speech or speech enumerating or referring to the achievements of the Government or party in power should be made.

Q. 44. Whether birthday celebration of Shri Babu Jagjivan Ram and Dr. B.R. Ambedkar which falls on 5th April and 14th April respectively as a State function may be conducted?

Ans. Yes

Provided it is not used as an occasion for political campaign or highlighting public achievements of the Govt. and also there is no ostentation and no political functionary addresses such meetings. The above restriction shall be equally applicable in all such other functions.

Q. 45. Whether Kavi Sammelan, Mushiaras or other cultural functions can be organized in connection with the Independence Day/Republic Day celebration and whether political functionaries can attend the same?

Ans. Yes

The Central Ministers / Chief Minister / Ministers in the States and other political functionaries can attend the programme. However, it will be ensured that no political speeches highlighting the achievements of the party in power are made on the occasions.

Q. 46. Whether films can be telecast on the occasions of birth and death anniversaries / ceremony anniversaries of prominent leaders in which VVIPs/VIPs may likely to feature?

Ans. May not be telecast, in case the coverage involves VVIPs/VIPs.

Q. 47. Whether media campaign can be made for effective implementation of statutory warnings, etc. on sale of cigarettes and other tobacco products?

Ans. Yes

Provided that photos/messages of political personalities etc, shall not be associated with the campaign.

Q. 48. Whether political advertisements can be printed on back side of the bus-ticket of Govt. owned buses?

Ans. No

Q. 49. Whether Govt. can release convicted criminals on parole after following due procedures?

Ans. If the Govt. feels that the release of any convict on parole is absolutely essential for certain compelling reasons, in that case Govt. shall consult the Chief Electoral Officer before granting parole.

Q. 50. Whether minimum support price of wheat and other agricultural products can be determined?

Ans. A reference in the matter shall be made to the Election Commission.

Q 51. Whether the Government can proceed and act upon the following Indicative Illustrative list of Items, which is not exhaustive, without obtaining clearance/approval from the Election Commission?

- (i) Extension of term of an official for further period except officials related to conduct of elections,
- (ii) Enhancement of minimum penalty in case of ticket less travel,
- (iii) Sanctioning of grants to consumer co-ordination council from consumer welfare fund to organize a conference on world consumer rights day,
- (iv) Issuing advertisement regarding pulse polio immunization programme,
- (v) Seeking financial assistance from National Calamity Contingency Fund for drought relief measure-deputing of Inter-Ministerial team of officers to visit concerned State,
- (vi) Request of the State Govt. for transportation of water and fodder by Rail in areas declared drought affected,
- (vii) Promotion of officials by convening DPC and filling regular posts falling due to retirement, deputation, etc.,
- (viii) Appointment of persons on compassionate grounds in pursuance of Court's orders,
- (ix) Celebration of "May-Day",
- (x) Providing additional charge of office of one officer to another one,

- (xi) To call and finalize tenders of routine, repair maintenance, strengthening and upgradation public utilities being run by the local authorities
- (xii) Replacement/repair of damaged water supply distribution pipes,
- (xiii) To issue work order of construction of public facilities and public toilets on BOT basis in pursuance of Court's directions,
- (xiv) To conduct the election of college students union,
- (xv) Clearance of unauthorized structure/land as per orders of Court,
- (xvi) Release of advertisement for activities relating to control of HIV/AIDS,
- (xvii) Release of advertisement to create awareness about important provisions of labour laws,
- (xviii) Purchase of uniform clothes and equipments for Police and awarding of Tender thereof,
- (xix) Commencement of desilting of drain/cattle ponds
- (xx) Grant of financial upgradation under assured career progression scheme to employees,
- (xxi) Calling of tenders for work to control mosquitoes
- (xxii) Transfer/posting of doctors,
- (xxiii) To shift criminals from one jail to other jail in pursuance of Court's orders,
- (xxiv) To form Committee for stock of chemical fertilizer for Kharif and Rabi crops ,
- (xxv) To purchase medicine and equipments for hospitals for which grants have already been sanctioned and tenders for which were already called for.
- (xxvi) Recruitment rally to enroll youth into the Army,

Ans.

Yes

Provided that no impression is given or created that the same has been done with a view to influencing the electorate in favour of ruling party. Further, in the case of advertisements, photo of Minister/political functionary should not be contained therein.

Q. 52. Whether the Government can proceed and act upon the following indicative illustrative list of items, which is not exhaustive, without obtaining clearance from the Commission?

- (i) Issuing sanction orders to out of turn PCO/Telephone connections and to nominate members to various Telephone Advisory Committees which were ordered by the minister before the elections.
- (ii) Issue of appointment order to a person as a part time non-official Director on the board of PSU after Cabinet's approval.
- (iii) Fixing of tariff for Major Port Trusts by Tariff Authority for major ports.
- (iv) Sanctioning of grants from Consumer Welfare fund to eligible voluntary consumer organizations as per guidelines.
- (v) Implementation of SEZ rules and regulations.
- (vi) Publication of a booklet titled "Year of Achievement of the Department" highlighting the salient achievement of the Department.
- (vii) Anganwadi Karyakari Bima Yojana, an insurance scheme under the LIC's social security group scheme for anganwadi workers and helpers.
- (viii) Appointment of Central Govt. nominees to the General Council as well as Executive Committee of National Council for Teachers Education.
- (ix) Recruitment drive only for wards of serving/retired service personnel as a welfare measures for troops.
- (x) Issue of advertisements in newspapers and video & audio spots on generic advertisement of processed food.
- (xi) Issue of Notification for setting up a new Promotion Council for pharmaceutical sector.
- (xii) Appointment of a person as a Sr. Consultant from a Private Company as Head of the internal system group to review the ongoing projects and E-governance initiations with the reference to the position in E-readiness index.
- (xiii) Assigning provisional minority status to the newly sanctioned colleges.
- (xiv) Issuance of Notification regarding service medals for meritorious Police, home guard and fire personnel.
- (xv) Implementation of Micro irrigation project, a drip irrigation project.
- (xvi) To conduct Multipurpose Identification Camps for the disabled persons for issuance of certain certificates etc.
- (xvii) Setting up of knowledge park.
- (xviii) Appointment of member in the Human Right Commission or similar other Commission.
- (xix) Issuing tender notices for the works of Sub-Minor & Link Drains under a Project.
- (xx) Grant of relief concessions to the sick industrial companies registered under BIFR and also to small

Ans. No
The processing of aforesaid items may be deferred till the completion of elections.

Q. 53. Whether State Govt. can seek clarification/clearance/approval in respect of any proposal directly from the Election Commission?

Ans. No
Any proposal from State Govt. for seeking clarification/clearance/approval from the Election Commission should only be routed through Chief Electoral Officer, who will make his recommendation or otherwise in the matter.

ELECTION CAMPAIGN

Q. 54. What are the main guidelines for political parties/candidates while making election campaign?

Ans. During the election campaign, no party or candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic. Further, criticism of other political parties, when made, shall be confined to their policies and programme, past record and work. Parties and candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the leaders or workers of other parties. Criticism of other parties or their workers based on unverified allegations or distortion shall be avoided.

Q. 55. Are there any restrictions in using religious places for election propaganda?

Ans. Yes
Religious places like Temple, Mosque, Church, Gurudwara or other places of worship shall not be used as forum for election propaganda. Further, there shall be no appeal to caste or communal feelings for securing votes.

Q. 56. Can a candidate go to the office of Returning Officer for filing a nomination with a procession?

Ans. No
The maximum number of vehicles that will be allowed to come within the periphery of 100 mtrs. of Returning Officer's office has been restricted to 3 and maximum number of persons that will be allowed to enter the office of Returning Officer has been limited to 5 (including the candidate).

Q. 57. How many persons are allowed at the time of scrutiny of nominations by the Returning Officer?

Ans. The candidate, his election agent, one Proposer and one other person (who can be an advocate) duly authorized in writing by the candidate, but no other person, may attend at the time fixed for scrutiny of nominations by Returning Officer.

(Refer: Sec. 36 (1) of Representation of People Act, 1951)

Q. 58. Are there any guidelines regarding use of vehicles by ministers/political functionaries/candidates, who have been provided security cover by the State?

Ans. Yes

In respect of persons covered by security, the use of State owned one bullet proof vehicle for the particular person (PP) will be permitted in all cases where the security agencies, including the intelligence authorities, have prescribed such use. The use of multiple cars in the name of stand-by should not be permitted unless so specifically prescribed by security authorities. The cost of propulsion of such bullet proof vehicles where such use of bullet proof vehicles is specified will be borne by the particular person. The number of vehicles to accompany the carcade including pilots, escorts etc. will be strictly in accordance with the instructions laid down by the security authorities and shall not exceed them under any circumstances. The cost of propulsion of all such vehicles, whether owned by Government or hired vehicles, will be met by the State Government.

The restrictions do not apply to the Prime Minister whose security requirements are governed by the Government's Blue Book.

Q. 59. Whether there is any restriction for plying of vehicles for electioneering purposes?

Ans. Candidate can ply any number of vehicles (all mechanized/motorized vehicles including two-wheelers) for the purpose of election campaign but he has to seek prior approval of the Returning Officer for plying such vehicles and must display permit issued by Returning Officer in original (not photocopy) prominently on the windscreen of the Vehicle. The permit must bear the number of the vehicle and name of the candidate in whose favour it is issued.

Q. 60. Whether a vehicle for which permission has been taken for election campaign in the name of a candidate, can be used for election campaign by another candidate?

Ans. No

Use of such vehicle for election campaign by another candidate shall invite action under section 171H of Indian Penal Code.

Q. 61. Can a vehicle be used for electioneering purposes without getting permit from the District Election Officer/Returning Officer?

Ans. No
Such vehicle shall be deemed to be unauthorized for campaigning by the candidate and may attract penal provisions of Chapter IX A of the Indian Penal Code and shall therefore be immediately out of the campaigning exercise and shall not be used for further campaign.

Q. 62. Whether there is any restriction on use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies?

Ans. Use of educational institutions including their grounds (whether Govt. aided, Private or Govt.) for political campaigns and rallies is not allowed.

Q. 63. Is external fitting/modification allowed in the vehicles used for campaigning?

Ans. External modification of vehicles including fitting of loudspeaker thereon, would be subject to the provisions of the Motor Vehicles Act/Rules as well as other Local Act/Rules. Vehicles with modifications and special campaign vehicles like Video Rath etc. can be used only after obtaining the requisite permission from the competent authorities under the Motor Vehicles Act.

Q. 64. Is there any restriction or use of rest houses, dak bungalows or other Govt. accommodation for campaign office or for holding any public meeting for the purpose of election propaganda?

Ans.

Yes

Rest houses, dak bungalows or other Govt. accommodation shall not be monopolized by the party in power or its candidates and such accommodation shall be allowed to use by other parties and candidates but no party or candidate shall be allowed to use as campaign office.

Further, it shall be ensured that —

- (i) no functionary can use the Circuit House, Dak bungalow to set up campaign office as the Circuit Houses/Dak bungalows are only for temporary stay (boarding and lodging) during transit of such functionaries,
- (ii) even casual meeting by Members of political parties inside the premises of the Government owned guesthouse etc. are not permitted and any violation of this shall be deemed to be a violation of the Model Code of Conduct,
- (iii) only the vehicle carrying the person allotted accommodation in the guest house and not more than two other vehicles, if used by the person, will be permitted inside the compound of the Guest House,
- (iv) rooms should not be made available for more than 48 hours to any single individual, and
- (v) 48 hours before the close of poll in any particular area, there will be freeze on such allocations till completion of poll or re-poll.

Q. 65. Are there any conditions for getting Govt aircraft/helicopters (including Public Sector Undertakings) by political parties/candidates?

Ans. Yes

While allowing the chartering of Govt. aircraft/helicopters to political parties/candidates or private companies etc., the following conditions should be followed:-

- i There should be no discrimination between the ruling party on the one hand and the other parties and contesting candidates on the other.
- ii The payment will be made by the political parties or the contesting candidates and proper record maintained.
- iii The rates and terms and conditions should be uniform for all.
- iv The actual allotment should be made on the first-come first-served basis. For this purpose, the date and time of receipt of the application should be noted down by the authorized receiving authority.
- v In the rare case when both the date and time of two or more applicants is the same, the allotment will be decided by draw of lots.
- vi No individual, firm, party or candidate will be allowed to charter the aircraft/helicopter for more than three days at a time.

Q. 66. Is there any restriction on displaying poster, placard, banner, flag etc of the party concerned or the candidate on a public property?

Ans. Candidate may display poster, placard, banner, flag etc of the party concerned or the candidate on a public property subject to provisions of local law and prohibitory orders in force. For details, refer Commission's instructions No.3/7/2008/JS-II, dated 7.10.2008.

Q. 67. If local law/bye-laws permit wall writings and pasting of posters, putting up hoardings, banners etc. on private premises/properties, is it necessary to obtain prior written permission from the owner of the premises/properties?

Ans. Yes

Candidate is required to obtain prior written permission from the owner of the properties/premises and photocopy(ies) of such permission should be submitted within 3 days to the Returning Officer or an officer designated by him for the purpose.

- Q. 68.** Is there any restriction on displaying/carrying poster/placard/ banner/flag of the party concerned or of the candidate on the vehicle during the procession?
- Ans.** Candidate may display /carry one poster/placard/banner/flag of Candidate's party/or his own on vehicle during the procession subject to conformity with the provisions of Motor Vehicle Act and any other local laws/bye-laws.
- Q. 69.** Whether there is any ban on use of plastic sheets for making use of posters/banners during the election campaign?
- Ans.** The political parties and candidates should try to avoid the use of plastic/polythene for preparation of posters, banners etc. in the interest of environmental protection.
- Q. 70.** Is there any restriction on the printing of pamphlets, posters etc?
- Ans.** Yes
Candidate shall not print or publish, or cause to be printed or published any election pamphlet or poster which does not bear on its face names and addresses of the printer and the publisher thereof.
(Refer : Section 127A of Representation of 1951)
- Q. 71.** Whether there is any restriction on air dropping of leaflets/pamphlets by the Political parties/candidates?
- Ans.** No
Provided that all the expenses in this regard have been booked against the election expenses of the candidate, on whose behalf the leaflets/pamphlets are being dropped.
- Q. 72.** Is wearing of special accessories like cap, mask, scarf etc. of a candidate permitted during the campaigning?
- Ans.** Yes, provided they are accounted for in the election expenses of the candidate concerned. However supply and distribution of main apparels like saree, shirt, etc. by party/candidate is not permitted as it may amount to bribery of voters.
- Q. 73.** Whether dummy ballot units of EVM can be prepared by the candidate for the purpose of educating the voters?
- Ans.** Yes
The dummy ballot units may be made of wooden, plastic or ply board boxes, half the size of the official ballot units and may be painted brown, yellow or grey.

Q. 74. Whether there is restriction to display to the public any election matter by means of cinematograph, television or other similar apparatus?

Ans. Yes

Candidate can not display to the public any election matter by means of cinematograph, television or other similar apparatus during the period of 48 hours ending with the hour fixed for the conclusion of poll.

(Refer: Sec. 126 of Representation of People Act, 1951)

Q. 75. Whether a candidate can print and distribute the diary/calendar/sticker depicting his image or image of Gods/ deities etc.

Ans. No

This will amount to bribery under section 171E of Indian Penal Code.

Q. 76. Whether distribution of printed "Stepney Covers" or other similar material containing symbol of party/candidate or without depicting it, is a violation?

Ans. Yes

In case, it is established that such material have been distributed, a complaint may be filed before the area Magistrate by District Administration against the distribution of the said material under section 171 B of the IPC.

Q. 77. Are there conditions/guidelines for setting up and operating of Temporary Offices by Party or candidate?

Ans. Yes

Such offices can not be opened by way of any encroachment either on public or private property/ in any religious places or campus of such religious places/ contiguous to any educational institution / hospital / within 200 meters of an existing polling station. Further, such offices can display only one party flag and banner with party symbol/photographs and the size of the banner used in such offices should not exceed '4 feet X 8 feet' subject to the further condition that if the local laws prescribe a lower size for banner / hoarding etc., then the lower size prescribed by local law shall prevail.

Q. 78. Is there any restriction on the presence of political functionaries in a constituency after campaign period is over?

Ans. Yes

After the closure of campaign period (starting from 48 Hrs. before closure of poll), political functionaries etc. who have come from outside the constituency and who are not voters of the constituency should not continue to remain present in the constituency. Such functionaries should leave the constituency immediately after campaign period is over. This will not apply in the case of candidate or his election agent even if they are not voters in the constituency.

Q. 79. Is such restriction applicable in the case of office bearer of a political party who is in-charge of election in the State?

Ans. Yes

However, such restriction is not insisted upon during the general elections to Lok Sabha/State Assembly only in respect of the office bearer who is in-charge of the State during the election period. Such office bearer shall declare his place of stay in the State Headquarters and his movement during the period in question shall remain confined normally between his party office and place of his stay. The above restrictions will be applicable to all other functionaries in all elections.

Q. 80. Whether there is any restriction for holding public meeting or taking out processions?

Ans. Yes.

Prior written permission should be obtained from the concerned police authorities for holding of a meeting at any public or private place and for taking out processions.

Q. 81. Whether loudspeakers can be used for public meetings or for processions or for general propaganda without obtaining permission from Police authorities?

Ans. No.

Prior written permission should be obtained from the concerned police authorities for using loudspeakers.

Q. 82. Whether there is any time limit for using loudspeakers?

Ans. Yes.

Loudspeaker can not be used at night between 10.00 P.M. and 6.00 A.M.

Q. 83. What is the deadline after which no public meetings and processions can be taken out?

Ans. Public meetings cannot be held after 10 PM and before 6.00 AM. Further, Candidate can not hold public meetings and processions during the period of 48 hours ending with the hour fixed for the conclusion of poll. Suppose, poll day is 15th July and hours of poll are from 8.00A.M to 5.00 P.M., then the public meetings and processions shall be closed at 5.00 P.M on the 13th July.

(Refer: Sec. 126 of Representation of People Act, 1951)

Q. 84. Whether there are any guidelines for political parties/candidates for issue of unofficial identity slips to voters?

Ans. Yes.

The unofficial identity slip, on white paper, shall contain only the particulars of the voter i.e. name, Serial number of voter, part No. in the electoral roll, s.no. and name of Polling Station and date of Poll. It should not contain the name of candidate, his photograph and symbol.

Q. 85. Is there any restriction on appointment of a Minister/M.P./M.L.A/M.L.C or any other person who is under security cover as an Election Agent/Polling Agent/Counting Agent?

Ans. Yes

A candidate cannot appoint a Minister/M.P./ MLA/MLC or any other person who is under security cover, as an election/polling agent/counting agent, as his personal security shall be jeopardized with such appointment, because his security personnel will not under any circumstances be permitted to accompany him into the 100 meter perimeter of polling stations described as the "Polling Station Neighborhood" and within the polling booth and campus of counting centre and within the counting centre. Also any person having security cover will not be allowed to surrender his security cover to act as such agent of a candidate.

Q. 86. Is a candidate allowed to appoint persons as polling agents from anywhere?

Ans. No

Such person who is appointed by the candidate as a polling agent must be an ordinarily resident and elector of the concerned polling station area only and not from outside the concerned polling area. Such person must also have Elector's Photo Identity Card.

However, in the case of polling stations exclusively manned by the women polling personnel, the restriction of resident of same polling area shall not be applied for.

Q. 87. Who is the authority to issue permits to Star Campaigners (Leaders) of the Political Parties who avail benefit under Section 77(1) of R.P Act, 1951?

Ans. In case the mode of road transport is to be availed of by Star Campaigners (Leaders) of political, the permit will be issued centrally by the Chief Electoral Officer. If such party applies for issue of permit for the same vehicle to be used by any leader for election campaigning throughout the State, the same may be issued for such vehicle centrally by the Chief Electoral Officer, which will be prominently displayed on windscreen of such vehicle(s) to be used by concerned leader(s). If different vehicles are to be used by such party leaders in different areas, then the permit can be issued against the name of the person concerned who will display it prominently on the windscreen of the vehicle being used by such leader.

Q. 88. Whether Opinion poll or Exit poll can be conducted, published, publicized or disseminated at any time?

Ans. No

The result of any opinion poll or exit poll conducted shall not be published, publicized or disseminated in any manner by print, electronic or any other media, at any time-

(a) during the period of 48 hours ending with the hour fixed for closing of poll in an election held in a single phase; and

(b) in a multi-phased election, and in the case of elections in difference States announced simultaneously, at any time during the period starting from 48 hours before the hour fixed for closing of poll in the first phase of the election and till the poll is concluded in all the phases in all States.

Q. 89. Whether there is any restriction for transmitting Short Messages Service (SMSs)?

Ans. Yes

Transmitting objectionable messages on SMSs during election is prohibited. For objectionable SMSs which may violate the law and EC instructions issued in this behalf, the police authorities shall advertise special mobile numbers on which the receiver of such SMS can forward the said SMS with the mobile number of sender. The police authorities shall take action under the law.

POLL DAY

Q. 90. Are there any guidelines for setting up of election booth by candidate/political parties near polling station on the day of poll?

Ans. Election booth can be set up beyond a distance of 200 meters from the polling stations, only with 1 table and 2 chairs with an umbrella or a piece of tarpaulin or cloth to protect the two occupants. Only one banner (3 x 4 1/2 feet) can be displayed showing the name of the candidate/ party / election symbol at the booth. However, two election booths can be set up, if more than two polling stations have been set up in a building

Q. 91. Is it necessary to obtain written permission of the concerned Government authorities or local authorities for setting up of election booth?

Ans. Yes
It is necessary to obtain the written permission of the Government authorities concerned or local authorities before setting up of such booths. Written permission must be available with the persons manning the booth for production before the police /election authorities concerned on demand.

Q. 92. Is there any restriction of canvassing in or near polling station?

Ans. Yes
Canvassing for votes etc. within a distance of one hundred meters of polling station is prohibited on the day of poll.
(Refer : Section 130 of Representation of 1951)

Q. 93. Whether the use of mobile phone is allowed in the polling station?

Ans. No person is allowed to either carry or use mobile phones, cordless phones, wireless sets etc. in 100 meter perimeter of the polling stations described as the "polling station neighborhood" and within the polling booth.
Only Observer/Micro Observer, Presiding Officer and security personnel are allowed to carry mobile phone but they will keep their mobile phones in silent mode.

Q. 94. Is there any restriction of going armed to or near polling station?

Ans. Yes
No person is allowed to go armed with arms as defined in Arms Act 1959 of any kind within the neighborhood of a polling station on the day of poll.
(Refer: Section 134B of Representation of 1951)

Q. 95. How many vehicles a candidate is entitled for on the day of poll?

Ans. (i) For an election to the House of the People, a candidate will be entitled to:

(a) One vehicle for candidate's own use in respect of the entire constituency. One vehicle for use of candidate's election agent for entire constituency.

(b) In addition, one vehicle for use of candidate's workers or party workers, as the case may be, in each of the assembly segments comprised in the Parliamentary Constituency.

(ii) For an election to the State Legislative Assembly, a candidate will be entitled to:

(a) One vehicle for candidate's own use

(b) One vehicle for use of candidate's election agent

(c) In addition, one vehicle for use of candidate's workers or party workers.

Q. 96. If the candidate is absent from the constituency on the day of poll, can the vehicle allotted in his name be used by any other person?

No

Vehicle allotted for candidate's use is not allowed to be used by any other person.

Q. 97. Can any type of entitled vehicle be used on the day of poll?

Ans. No

The candidate or his agent or party workers or workers will be allowed to use only four/three/two wheeler vehicles i.e. cars (of all types), taxis, auto rickshaws, rickshaws and two wheelers. In these vehicles not more than five persons including drivers are allowed to move on the day of poll.

Q. 98. Whether Political Party/Candidate can make arrangements for transporting voter to and from Polling Station?

Ans. No.

Any arrangement, direct or indirect, to carry any voter to or from polling station by any kind of vehicle used for transport is a criminal offence.

(Refer: Sec. 133 of Representation of People Act, 1951)

Q. 99. Whether there are restrictions on plying of Govt./private vehicles on the poll day?

Ans. No

Public transport like buses, minibuses are allowed to ply but it should be ensured that they are not used clandestinely for the conveyance of voters. Further, private cars, taxis carrying passengers to places other than polling booths like hospitals, airports, railway stations, bus stands, friends and relations houses, clubs, and restaurants will be allowed on the road. But they should not be allowed to come clandestinely near the polling areas for the conveyance of voters.

Q. 100. Can a leader of Political party use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting?

Ans. No

Leader of a political party is not allowed to use private fixed-wing aircraft and helicopters for the purposes of supervising and monitoring the polling and counting process on the day of poll and counting.
